IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, ex rel.
DILBAGH SINGH, M.D.,
PAUL KIRSCH, M.D.,
V. RAO NADELLA, M.D., and
MARTIN JACOBS, M.D.,

Relators.

v. : Civil Action No. 04-186E

BRADFORD REGIONAL
MEDICAL CENTER,
V & S MEDICAL ASSOCIATES, LLC,
PETER VACCARO, M.D.,
KAMRAN SALEH, M.D.,
and DOES I through XX,

Defendants.

MOTION FOR SUMMARY JUDGMENT OF BRADFORD REGIONAL MEDICAL CENTER

AND NOW, comes Defendant Bradford Regional Medical Center ("BRMC"), by and through its counsel, and files this Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56, stating in support thereof the following:

- 1. There is no direct or indirect financial relationship between BRMC and either Dr. Saleh or Dr. Vaccaro as defined by the so-called "Stark Law" and regulations thereunder. 42 U.S.C. § 1395nn.
- 2. Even if the Stark Law did apply to certain transactions entered into by the Defendants which were alleged to form the basis of Relators' Complaint, those transactions would fit within one or more exceptions set forth in the regulations implementing the Stark Law, and thus be permitted.
- 3. The Stark Law does not apply to claims submitted to payors other than Medicare and Medicaid.

- 4. Any financial relationship between BRMC and V&S Medical Associates and/or Drs. Saleh and Vaccaro fits within applicable safe harbors promulgated by the Office of Inspector General of the federal Department of Health and Human Services, 42 C.F.R. § 1001.952, and thus does not violate the so-called Anti-Kickback statute, 42 U.S.C. § 1320a-7b.
- 5. BRMC made no certifications of compliance with the Stark Law or Anti-kickback statute when it submitted claims to Medicare, Medicaid or any other federal health care program.
- 6. BRMC has not violated the False Claims Act.
- 7. The pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, demonstrate no genuine issue as to any material fact.
- 8. BRMC is entitled to a judgment as a matter of law.

WHEREFORE, for the reasons stated above, as more fully explained in BRMC's Memorandum in Support of this Motion, it is respectfully requested that this Motion be granted and that the Relators' Complaint be dismissed, with prejudice.

September 10, 2008

Respectfully submitted,

Daniel M. Mulholland III Pennsylvania ID No. 28806

HORTY, SPRINGER & MATTERN, P.C. 4614 Fifth Avenue Pittsburgh, PA 15213

P.M. Mulholland III

Phone: (412) 687-7677 Fax: (412) 687-7692

dmulholland@hortyspringer.com

Attorney for Defendant Bradford Regional Medical Center

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date he served the following with a copy of the foregoing Motion for Summary Judgment by e-mail via the Court's ECF system and by first class United States mail, addressed as follows:

Andrew M. Stone, Esquire Allegheny Building, Suite 1400 429 Grant Street Pittsburgh, PA 15219

G. Mark Simpson, Esquire Simpson Law Firm, LLC 165 North Main Street Jonesboro, GA 30236

Carl J. Rychcik, Esquire Fox Rothschild, LLP 625 Liberty Avenue, 29th Floor Pittsburgh, PA 15222

Paul E. Skirtich, Esquire Assistant U.S. Attorney Western District of Pennsylvania U.S. Post Office & Courthouse 700 Grant Street, Suite 4000 Pittsburgh, PA 15219

September 10, 2008

Daniel M. Mulholland III

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